## REMARKS

Applicant thanks the Examiner for review of the present application.

The Office Action of November 6, 2008, rejects all of Claims 1, 3-5, 7-25, 27, and 29-47 under 35 U.S.C. § 103(a). Claims 1, 3-5, 7-15, 17-25, 27, 29, 30, 31, 32-34, 35, 36, 37-39, 40, 41, 42-45, and 47[1] are rejected as unpatentable over U.S. Patent Application Publication No. 2003/0033296 to Rothmuller et al. ("the Rothmuller publication") in view of U.S. Patent 6,496,842 to Lyness ("the Lyness patent") and U.S. Patent 6,337,697 to Becker et al. ("the Becker patent"). Claims 16 and 46 are rejected as unpatentable over the Rothmuller publication in view of the Lyness patent and the Becker patent and further in view of U.S. Patent 5,615,347 to Davis et al. ("the Davis patent").

Applicant presents the following remarks in response to the Office Action.

### *REJECTIONS UNDER 35 U.S.C. § 103(a)*

The Office Action rejects Claims 1, 3-5, 7-15, 17-25, 27, 29, 30, 31, 32-34, 35, 36, 37-39, 40, 41, 42-45, and 47 as unpatentable over the Rothmuller publication in view of the Lyness patent and the Becker patent. At page 3, the Office Action states "Rothmuller teaches second instructions adapted to generate a timeline view comprising a scrolling time bar," citing to element 250 of FIG. 3. Applicant has again reviewed the cited portions and the remainder of the Rothmuller publication and respectfully submits that the asserted disclosure of the Rothmuller publication fails to teach or suggest "a *scrolling* time bar." Rather, the Rothmuller publication only discloses that element 250 is a timeline. As noted by the Examiner in the Office Action, timeline 250 appears to have left and right arrows at the bottom and an icon appears between the arrows that appears to indicate the current position within the timeline.[2] Applicant notes, however, that nothing in the Rothmuller publication teaches or suggests that the timeline is capable of scrolling to display periods of time beyond that which is shown in the extent of the timeline. Rather, Applicant submit that the Rothmuller publication discloses and one of ordinary skill in the art would have understood the Rothmuller publication to only teach and suggest that timeline 250 is a static (fixed) presentation of the extent of the periods of time over which photos are stored and may be viewed. And Applicant submits that one of ordinary skill in the art would have understood the Rothmuller publication to suggest that at least the left and right arrows are used to position the cursor icon beneath the timeline to indicate the current position within

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[1] Applicant notes that page 2 of the Office Action indicates that Claims 1, 3-5, 7-15, 17-25, 27, 29, 32-34, 37-39, 42-45, and 47 are rejected as unpatentable over the Rothmuller publication in view of the Lyness patent and the Becker patent, but that Claims 30, 31, 35, 40, and 41 are also rejected on page 10 as unpatentable over the Rothmuller publication in view of the Lyness patent and the Becker patent. Applicant also notes that page 10 of the Office Action twice rejects Claim 35, but believes that the second rejection of Claim 35 is a substantive rejection of Claim 36, and that the indication of Claim 35 is a typographical error meant to indicate Claim 36.

[2] Applicant disagrees however as to whether this icon is merely a standard scroll bar control or a "slider bar" as expressed in the Office Action. Nothing in the Rothmuller publication indicates that this icon is a "slider bar."

the timeline. However, nothing in the Rothmuller publication teaches or suggests that any additional periods of time are available beyond those that are presented in the timeline 250. As such, Applicant submits that the Rothmuller publication does not teach or suggest a *scrolling time bar*, but only a timeline with a static (fixed) presentation of the periods of time over which photos are stored and may be viewed. Applicant notes that this distinction reveals an inherent difference between the function of the timeline of the Rothmuller publication and the present invention. Because the time bar of the present invention is a *scrolling time bar*, the media handle functions to scroll the time bar and to navigate the time bar to a time to which the timeline view is scrolled to browse media files at the associated time in the media view. By comparison, arrow of the timeline of the Rothmuller publication suggested that they are used only to position the cursor icon beneath the timeline to indicate the current position within the timeline to display photos, but the arrows are not used to scroll the time bar, only the cursor icon. Accordingly, Applicant submits that the Rothmuller publication fails to teach or suggest "a *scrolling time bar*" that can be navigated with a media handle. And Applicant also submits that none of the other cited references teach or suggest "a *scrolling time bar*."

Further, although the teachings of the Rothmuller publication, the Lyness patent and the Becker patent, as well as the Davis patent, U.S. Patent 6.023,715 to Burkes et al. ("the Burkes patent), and U.S. Patent Application Publication 2005/0246619 to Krause (the Krause publication), may have been available to one of ordinary skill in the art at the time of the present invention, Applicant submits that the absence of a product or technology combining the alleged teachings is evidence that the present invention was not obvious (nonobvious) and should be considered by the Examiner as a secondary consideration of the nonobviousness of the present invention. Each of the independent teachings of the cited references has its own independent purposes, but the purpose and effect of the combination is not obvious. For example, as noted above, the difference between a scrolling time bar and a static (fixed) timeline is not inconsequential, but leads to different results, where one of ordinary skill in the art is taught by the Rothmuller patent to use a static (fixed) timeline and suggested to use left and right arrows to position a cursor within the static (fixed) timeline.

Further, because Applicant submits that none of the cited references teach or suggest "a *scrolling time bar*," Applicant also submits that none of the cited references, taken alone or in combination, teach or suggest "*a centerline position of the scrolling time bar* for the media handle." Applicant notes that the centerline position is "of the scrolling time bar," and not the same as a center mark of the media handle. Accordingly, neither a central rest position 924 of the Lyness patent nor a triangular portion of a knob 60 of a slider 52 of the Davis patent teaches or suggests "*a centerline position of the scrolling time bar* for the media handle."

Applicant submits that the above remarks are applicable to independent Claims 1, 22, 24, and 42.

Further, with respect to Claim 7 in part 4-5 and part 8 of the Office Action, Applicant again submits that nothing in any of the Rothmuller publication, the Lyness patent, or the Becker patent discloses "decreasing the speed of the browsing in relation to the distance of the *approaching* media file." The Office Action contests this argument, stating on page 17 that "Becker discloses dynamically varying scroll speed in response to the content of the viewed portion of the viewable object" and citing to column 2, lines 57-67 and column 5, lines 44-46. Applicant submits that this interpretation of the Becker patent specifically identifies the distinction between the claimed invention and the disclosure of the Becker patent. And Applicant specifically rebuts the statement in the Office Action that "the speed may vary based upon the approaching file." The Becker patent only discloses the concept and ability to dynamically vary scroll speed in response to the content of the viewed portion of the viewable object. That is, the Becker patent only discloses the concept and ability to dynamically vary scroll speed in response to the content of a viewable object *within* view. The Becker patent does not disclose or contemplate dynamically varying browse speed in relation to the distance of a media file that is approaching the viewable portion of the display, but is not yet within the viewable portion of the display. Nothing in the Becker patent discloses or suggests anything related to the approach of a file. This distinction highlights a potential improvement of the present invention over the Becker patent, whereby the present invention can adjust the speed of browsing *before* a media file is in the viewable portion of the display, so that the speed of browsing is already adjusted when the media file enters the viewable portion of the display. By comparison, the Becker patent does not disclose or contemplate varying the scroll speed of a viewable object except based upon the content of the viewed portion of the viewable object. This distinction also highlights a conceptual difference between the present invention and the Becker patent, whereby the present invention presumes that the user may only be interest in viewing those media files that match a chosen browse parameter, and not those media files therebetween, and whereby the Becker patent presumes that the user may be interested in viewing the entire viewable object and focusing upon certain portions for a longer period of time. As such, Applicant again submits that nothing in any of the Rothmuller publication, the Lyness patent, or the Becker patent discloses "decreasing the speed of the browsing in relation to the distance of the *approaching* media file." Applicant submits that Claim 7 is patentable for this additional reason and that the rejection and responsive argument of the Office Action are traversed.

Further, with respect to Claim 8 and like dependent Claims 32 and 37 in part 4-6 and part 8 of the Office Action, Applicant submits that nothing in any of the Rothmuller publication, the Lyness patent, or the Becker patent discloses "increasing the speed of the browsing when a media file having the chosen browse parameter *bypasses the centerline position of a view*."

First, Applicant submits that the Office Action in part 4-6 fails to address the limitation of bypassing the centerline position of a view in relation to the asserted disclosure of the Becker patent of dynamically varying scroll speed in response to the content of the viewed portion of the viewable object. Nothing in the Becker patent discloses or suggests varying the scroll speed based upon either a centerline position of a view or an object bypassing a centerline position of a view.

Second, the Office Action contests the prior argument and now also states "once the most important sections are passed in the main viewing area represented by the centerline position of a view, the speed would increase." Applicant submits that this interpretation of the Becker patent is incorrect. The Becker patent only discloses dynamically varying scroll speed in response to the content of the viewed portion of the viewable object. That is, the Becker patent only discloses the concept and ability to dynamically vary scroll speed in response to the content of a viewable object *within* view. The Becker patent fails to teach or suggest the concept of an object bypassing a centerline position of a view. And the Becker patent fails to teach or suggest that increasing the speed of browsing should be performed in relation to an object bypassing the centerline of a media view. The Becker patent does not disclose or contemplate dynamically varying browse speed in relation to the position of content within the viewable portion of the display. Nothing in the Becker patent discloses or suggests anything related to the relative position of content within the viewable portion of the display. With respect to the statement of the Office Action, Applicant refutes that passing the main viewing area and passing a centerline position of a view are the same or equivalent. One contemplates the extreme extent of a view (passing the main viewing area of the Becker patent). And the other contemplates the center of a view (passing a centerline position of a view of the present invention). Thus, the function of the Becker patent and the present invention are disdainfully different. The Becker patent would not vary the speed of scrolling until the subject content departs the viewable portion of the display and is no longer content of the viewed portion of the viewable object. By comparison, the present invention may increase the speed of browsing while the media file remains within the view, but once the media file has bypassed the centerline position of the view. As such, Applicant again submits that nothing in any of the Rothmuller publication, the Lyness patent, or the Becker patent discloses "increasing the speed of the browsing when a media file having the chosen browse parameter *bypasses the centerline position of a view*." Applicant submits that Claim 8, further dependent Claim 9, and similar dependent Claims 32 and 37 are patentable for this additional reason and that the rejection and responsive argument of the Office Action are traversed.

U.S. Patent 6.023,715 to Burkes et al. ("the Burkes patent) does not remedy the above identified limitations of the other cited references. The Burkes patent merely includes description of an advanced textual indication of a page number and hierarchical document division to which the display may be updated using a conventional scrollbar.

U.S. Patent Application Publication 2005/0246619 to Krause (the Krause publication) also does not remedy the above identified limitations of the other cited references. The Krause publications merely includes description of an alternative method for varying the speed of text presentation in a reader based upon the detected position of the cursor in relation to the text being presented in the reader, such as ahead of or behind the text in the central (neutral) position of the reader.

For the reasons presented above, Applicant submits that rejections of the Office Action are traversed and that all of the pending claims are patentable and in condition for allowance.

Applicant request withdrawal of the present rejections and allowance of all of the pending claims. In the alternative, Applicant requests withdrawal of the finality of the present Office Action for failing to present a *prima facie* obviousness rejection of all of the pending claims and issuance of a subsequent Office Action. If the Examiner does not find the present claims allowable, Applicant expressly requests that any subsequent Office Action or Advisory Action provide Applicant with a sufficient claim construction of each and every element of the pending claims and interpretation of the cited references, taking into consideration the remarks hereof arguing distinctiveness and patentability over the cited references, so as to enable the Applicant to effectively reply or readily judge the advisability of an appeal. *See Ex parte* Blankenstein et al., Appeal No. 2007-2872, Application No. 10/116,312 (BPAI Aug. 26, 2008); *Gechter v. Davidson*, 116 F.3d 1454 (Fed. Cir. 1997); MPEP §§ 706, 706.07.

## *INFORMATION DISCLOSURE STATEMENT*

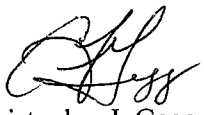
Applicant also requests that the Examiner consider the references cited in and provide Applicant with an initialed copy of the Information Disclosure Statement submitted November 6, 2008. In this regard, Applicant also submits a further Information Disclosure Statement to provide English-language translations of some of the references cited in the Information Disclosure Statement of November 6, 2008, and thereby make consideration of those references easier and more complete. Applicant also requests that the Examiner provide Applicant with an initialed copy of this further Information Disclosure Statement.

*CONCLUSION*

In view of the foregoing comments, Applicant submits that all of the pending claims of the present application, as amended, are in condition for allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper, such as fees for a request for an extension of time. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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